

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNIFIED WESTERN GROCERS, INC.;)	CIVIL NO. CV03-00336 HG BMK
CERTIFIED GROCERS OF)	(Declaratory Judgment)
CALIFORNIA, LTD.; GROCERS)	
SPECIALTY COMPANY; ALFRED A.)	DECLARATION OF
PLAMANN; CHARLES PILLITER;)	CHRISTOPHER J. COLE
DANIEL T. BANE; ROBERT M. LING;)	
and DAVID A. WOODWARD,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
TWIN CITY FIRE INSURANCE)	
COMPANY, an Indiana Corporation,)	
)	
Defendant.)	
)	

DECLARATION OF CHRISTOPHER J. COLE

CHRISTOPHER J. COLE declares and states the following:

1. I am a member of the bar of this Court and counsel for Plaintiffs UNIFIED WESTERN GROCERS, INC., CERTIFIED GROCERS OF CALIFORNIA, LTD. and GROCERS SPECIALTY COMPANY ("Plaintiffs"). I submit this Declaration in support of Plaintiffs' Motion for Leave to File First Amended Complaint. Unless otherwise indicated, all statements made herein are based upon my personal knowledge.

2. Attached hereto as Exhibit “A” is a true and correct redlined copy of Plaintiffs’ proposed First Amended Complaint.

3. Attached hereto as Exhibit “B” is a true and correct copy of the Third Amended Complaint in Yee v. Unified Western Grocers, Inc., et al., Civ. No. 02-00668 BMK (U.S. D. Ct. Hawaii) (the “Underlying Lawsuit”).

4. Submitted herewith as Exhibit “C” is a true and correct copy of a letter dated June 23, 2004 to Twin City Insurance Company, enclosing a copy of the complaint in Value Recovery Group, L.P. v. KMPG, et al., Civ. No. 04-1-0355-2 (GWBC) (First Circuit Court, Hawaii), of which copies were sent to Kim W. West, Esq. and Wesley Ching, Esq., Twin City’s counsel of record in this case.

5. Attached hereto as Exhibit “D” is a true and correct copy of a facsimile transmittal dated July 12, 2004 to Julie Choi, Esq. transmitting a copy of the court’s “Order Granting Plaintiff’s Motion for Leave to Amend Complaint Filed March 23, 2004 and Plaintiff’s Further Motion to Amend Complaint Filed June 3, 2004, filed on July 2, 2004” in the Underlying Lawsuit.

6. Attached hereto as Exhibit “E” is a true and correct copy of a letter dated January 11, 2005 to Kim W. West, Esq. and Samantha M. Ball, Esq. from me.


7. Attached hereto as Exhibit "F" is a true and correct copy of a letter dated January 25, 2005 from Kim W. West, Esq. to me.

8. Attached hereto as Exhibit "G" is a true and correct copy of a letter dated November 7, 2002 from Kim W. West, Esq. to Jonathan H. Steiner, Esq.

9. Attached hereto as Exhibit "H" is a true and correct copy of a letter dated March 11, 2003 from Kim W. West, Esq. to Andre J. Cronthall, Esq. obtained from the Sheppard Mullin law firm in connection with this matter and maintained in our files for this case.

I, CHRISTOPHER J. COLE, declare under penalty of perjury that the foregoing statements are true and correct.

DATED: Honolulu, Hawaii, APR - 5 2007.



CHRISTOPHER J. COLE